

Senator Curtis S. Bramble proposes the following substitute bill:

LOCAL GOVERNMENT PLAN REVIEW AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill addresses review of construction plans by local governments.

Highlighted Provisions:

This bill:

- ▶ establishes a time period within which a county, city, or town shall review certain construction plans;
- ▶ provides that if the county, city, or town does not act within the time period, under certain circumstances the authority to review does not apply;
- ▶ provides repeal dates; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-5-132, as enacted by Laws of Utah 2014, Chapter 197

10-6-160, as enacted by Laws of Utah 2014, Chapter 197



26 **17-36-55**, as enacted by Laws of Utah 2014, Chapter 197

27 **63I-1-210**, as last amended by Laws of Utah 2016, Chapter 131

28 ENACTS:

29 **63I-1-217**, Utah Code Annotated 1953

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **10-5-132** is amended to read:

33 **10-5-132. Fees collected for construction approval -- Approval of plans.**

34 (1) As used in this section[;]:

35 (a) ["construction"] "Construction project" [is as] means the same as that term is defined
36 in Section 38-1a-102.

37 (b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are
38 required by a town to obtain a building permit from the town.

39 (ii) "Initial plan review" does not mean a review of a document:

40 (A) required to be re-submitted for additional modifications or changes identified by
41 the plan review;

42 (B) submitted as part of a deferred submittal when requested by the building official; or

43 (C) that, due to the document's technical nature or on the request of the applicant, is
44 reviewed by a third party.

45 (c) "Lodging establishment" means a place providing temporary sleeping
46 accommodations to the public, including any of the following:

47 (i) a bed and breakfast establishment;

48 (ii) a boarding house;

49 (iii) a hotel;

50 (iv) an inn;

51 (v) a lodging house;

52 (vi) a motel;

53 (vii) a resort; or

54 (viii) a rooming house.

55 (2) (a) If a town collects a fee for the inspection of a construction project, the town
56 shall ensure that the construction project receives a prompt inspection.

[~~(3)~~] (b) If a town cannot provide a building inspection within a reasonable time, the town shall promptly engage an independent inspector with fees collected from the applicant.

(3) (a) A town shall complete an initial plan review of a construction project for a one to two family dwelling or townhome by no later than 14 days after the day on which the plan is submitted to the town.

(b) A town shall complete an initial plan review of a construction project for a residential structure built under the International Building Code, not including a lodging establishment, by no later than 21 days after the day on which the plan is submitted to the town.

(c) A town may not enforce a requirement to have an initial plan reviewed by the town if:

(i) the town does not complete the initial plan review within the time period described in Subsection (3)(a) or (b); and

(ii) the plan is stamped by a licensed architect or structural engineer.

Section 2. Section **10-6-160** is amended to read:

10-6-160. Fees collected for construction approval -- Approval of plans.

(1) As used in this section[;]:

(a) [~~"construction"~~] "Construction project" [~~is as~~] means the same as that term is defined in Section 38-1a-102.

(b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are required by a city to obtain a building permit from the city.

(ii) "Initial plan review" does not mean a review of a document:

(A) required to be re-submitted for additional modifications or changes identified by the plan review;

(B) submitted as part of a deferred submittal when requested by the building official; or

(C) that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party.

(c) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

(i) a bed and breakfast establishment;

(ii) a boarding house;

(iii) a hotel;

88 (iv) an inn;

89 (v) a lodging house;

90 (vi) a motel;

91 (vii) a resort; or

92 (viii) a rooming house.

93 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall
94 ensure that the construction project receives a prompt inspection.

95 ~~[(3)]~~ (b) If a city cannot provide a building inspection within three business days, the
96 city shall promptly engage an independent inspector with fees collected from the applicant.

97 (3) (a) A city shall complete an initial plan review of a construction project for a one to
98 two family dwelling or townhome by no later than 14 days after the day on which the plan is
99 submitted to the city.

100 (b) A city shall complete an initial plan review of a construction project for a
101 residential structure built under the International Building Code, not including a lodging
102 establishment, by no later than 21 days after the day on which the plan is submitted to the city.

103 (c) A city may not enforce a requirement to have an initial plan reviewed by the city if:

104 (i) the city does not complete the initial plan review within the time period described in
105 Subsection (3)(a) or (b); and

106 (ii) the plan is stamped by a licensed architect or structural engineer.

107 Section 3. Section **17-36-55** is amended to read:

108 **17-36-55. Fees collected for construction approval -- Approval of plans.**

109 (1) As used in this section[5]:

110 (a) [~~"construction"~~] "Construction project" [is as] means the same as that term is defined
111 in Section 38-1a-102.

112 (b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are
113 required by a county to obtain a building permit from the county.

114 (ii) "Initial plan review" does not mean a review of a document:

115 (A) required to be re-submitted for additional modifications or changes identified by
116 the plan review;

117 (B) submitted as part of a deferred submittal when requested by the building official; or

118 (C) that, due to the document's technical nature or on the request of the applicant, is

119 reviewed by a third party.

120 (c) "Lodging establishment" means a place providing temporary sleeping
121 accommodations to the public, including any of the following:

122 (i) a bed and breakfast establishment;

123 (ii) a boarding house;

124 (iii) a hotel;

125 (iv) an inn;

126 (v) a lodging house;

127 (vi) a motel;

128 (vii) a resort; or

129 (viii) a rooming house.

130 (2) (a) If a county collects a fee for the inspection of a construction project, the county
131 shall ensure that the construction project receives a prompt inspection.

132 [~~(3)~~] (b) If a county cannot provide a building inspection within three business days,
133 the county shall promptly engage an independent inspector with fees collected from the
134 applicant.

135 (3) (a) A county shall complete an initial plan review of a construction project for a one
136 to two family dwelling or townhome by no later than 14 days after the day on which the plan is
137 submitted to the county.

138 (b) A county shall complete an initial plan review of a construction project for a
139 residential structure built under the International Building Code, not including a lodging
140 establishment, by no later than 21 days after the day on which the plan is submitted to the
141 county.

142 (c) A county may not enforce a requirement to have an initial plan reviewed by the
143 county if:

144 (i) the county does not complete the initial plan review within the time period
145 described in Subsection (3)(a) or (b); and

146 (ii) the plan is stamped by a licensed architect or structural engineer.

147 Section 4. Section **63I-1-210** is amended to read:

148 **63I-1-210. Repeal dates, Title 10.**

149 (1) (a) Subsections [10-5-132](#)(1)(b), (1)(c), and (3) are repealed July 1, 2018.

(b) When repealing the subsections listed in Subsection (1)(a), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make other modifications necessary to ensure that the remaining subsections are complete sentences, grammatically correct, and have correct numbering and cross references to accurately reflect the office's perception of the Legislature's intent.

(2) (a) Subsections 10-6-160(1)(b), (1)(c), and (3) are repealed July 1, 2018.

(b) When repealing the subsections listed in Subsection (2)(a), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make other modifications necessary to ensure that the remaining subsections are complete sentences, grammatically correct, and have correct numbering and cross references to accurately reflect the office's perception of the Legislature's intent.

(3) Section 10-9a-526 is repealed December 31, 2020.

Section 5. Section 63I-1-217 is enacted to read:

63I-1-217. Repeal dates, Title 17.

(1) Subsections 17-36-55(1)(b), (1)(c), and (3) are repealed July 1, 2018.

(2) When repealing the subsections listed in Subsection (1), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make other modifications necessary to ensure that the remaining subsections are complete sentences, grammatically correct, and have correct numbering and cross references to accurately reflect the office's perception of the Legislature's intent.